



The Bihar Gazette

EXTRA ORDINARY

PUBLISHED BY AUTHORITY

20TH KARTIK (S)
(NO.PATNA 567) PATNA, WEDNESDAY, 11TH NOVEMBER 2009

BIHAR ELECTRICITY REGULATORY COMMISSION
Bihar Electricity Regulatory Commission (Consumer Grievance Redressal Forum and
Electricity Ombudsman) (Amendment) Regulations, 2009

NOTIFICATION
29th October 2009

No. BERC-Regulation-3/06-02 – Bihar Electricity Regulatory Commission [hereinafter referred to as “Commission”] notified the Bihar Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006 on 22nd May, 2006. The said Regulations contained the guidelines to the Licensees in the State of Bihar for setting up Consumer Grievance Redressal Forum for redressal of grievances of the electricity consumers and for appointment of Electricity Ombudsman by the Commission.

The Commission considered it expedient and desirable and accordingly formulated a Draft (Amendment) Regulation proposing amendments in the aforesaid Regulations, and comments/suggestions were sought for from the general public as well as from the Licensee and State Energy Department. The Commission has considered the comments/suggestions received and made suitable modifications, wherever considered necessary.

In exercise of powers conferred by the Section 181 read with Section 42 of the Electricity Act, 2003 (Act 36 of 2003) and all other powers enabling it in that behalf and in compliance of Rule 7 of Electricity Rules, 2005 notified by Govt. of India vide GSR 379(E) dated 8th June 2005 and Electricity (Amendment) Rules vide GSR 667(E) dated 26th October 2006, the Commission makes the following amendments in Bihar Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006.

1. *Short title, extent and commencement.*— (a) These Regulations may be called the **“Bihar Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) (Amendment) Regulations, 2009.**

(b) These Regulations shall come into force from the date of its publication in the official gazette.

(c) These Regulations shall extend to the whole State of Bihar.

2. *Substitution of new sub-regulation 2(1)(g).*— For sub-regulation 2(1)(g) of the Consumer Grievance Redressal Forum and Electricity Ombudsman Regulations, 2006 [hereinafter referred to as ‘Principal Regulation’], the following sub-regulation shall be substituted:-

“2(1)(g) Consumer means consumer as defined in Section 2(15) of the Electricity Act, 2003.”

3. *Substitution of new sub-regulation 2(2).*— For sub-regulation 2(2) of the Principal Regulation, the following sub-regulation shall be substituted :-

“2(2) Words and expressions used and not specifically defined in these Regulations but defined in the Electricity Act, 2003 shall have the meaning assigned to them in the Act. The other words and expressions used herein but not defined in these Regulations or in the Act but defined under any law passed by the Parliament applicable to electricity industry in the State shall have the meaning assigned to them in such law.”

4. *Substitution of new sub-regulation 3(2).*— For sub-regulation 3(2) of the Principal Regulation, the following sub-regulation shall be substituted, namely :-

“3(2) Every Distribution Licensee shall establish one or more Forum(s) to be designated as Electricity Consumer Grievance Redressal Forum [hereinafter referred to as ‘Forum’]. These Forum(s) shall settle the grievance of the consumer within a period of forty five (45) days normally and a maximum period of sixty (60) days from the date of receipt of the complaint by it. Keeping in view the licensed area of supply and concentration of the consumers in a particular area, the Distribution Licensee shall determine places and numbers of Forum(s) to be established. The Distribution Licensee shall clearly state the location and jurisdiction of each Forum in case of more than one Forum and inform the Commission.”

5. *Substitution of new sub-regulation 3(3).*— For sub-regulation 3(3) of the Principal Regulation, the following sub-regulation shall be substituted, namely :-

“(3) The Forum shall consist of three Members including Chairperson.

(a) (i) One of the three members shall be an independent Member having degree in law who have held the post not below the rank of Additional District Judge having at least 20 years of experience in judicial service and has attained the age of 60 years. Person who has shown capacity in dealing with problems relating to electricity regulatory matters and familiar with the consumers affairs shall be preferred. The independent Member who will be the Chairperson of the Forum shall be nominated by the Commission and appointed by the Licensee;

(ii) Second Member shall be person retired from the services of the Distribution Licensee in the grade not below Superintending Engineer having degree in Electrical Engineering or equivalent and have adequate knowledge and a total experience of 20 years with at least 15 years experience in distribution of electricity and have also shown capacity in dealing with problems relating to engineering;

(iii) The third Member shall be appointed by the Licensee from amongst the serving officers in the grade not below Senior Executive Engineer or equivalent having total experience of 15 years with at least 7 years service in the grade of Executive Engineer and also 7 years experience in Accounting and/or Revenue and/or Commercial matters;

- (iv) The Members including Chairperson of the Forum shall be persons of ability, integrity and standing having adequate knowledge in their respective fields. They shall devote their whole time for the Forum's work and not undertake any other part time or honorary work.

Provided that when the Chairperson is unable to function due to ailment or any other reason the second Member shall discharge the functions of the Chairperson in his absence.

- (b) The Distribution Licensee shall propose to the Commission a panel of names of at least three officers for each post of the two Members of the Forum. Details of qualification, experience and background relating to ability, integrity and standing shall be submitted in respect of each officer along with details of pension and last pay drawn by each of them. The Commission shall consider the names proposed by the licensee and after its approval, the licensee shall appoint the Members.
- (c) The manner of appointment, qualification and experience of the person to be appointed as Member of the Forum and the procedure of dealing with the grievances of the consumers by the Forum and other similar matters would be as per the guidelines specified by the Commission."

6. *Substitution of new sub-regulation 3(4)* .— For sub-regulation 3(4) of the Principal Regulation, following sub-regulation shall be substituted namely :-

- "3(4) The Member including Chairperson of the Forum shall be appointed for a term of three years from the date of appointment or till he/she attains the age of 65 years or date of superannuation in case of officer of the Licensee appointed as Member, whichever is earlier. The Members including Chairperson shall not be eligible for re-appointment. The Commission in case of appointment of the Independent Member i.e. Chairperson and the Licensee in case of Members shall initiate process three months before the date of expiry of tenure of present incumbents. In case of unavoidable delay in appointment of Members and Chairperson after expiry of the term of the existing Forum, the existing Forum after completion of its term, subject to provisions of sub-regulation 3(3) shall continue to function for a period of maximum three months, or till the new Members and the Chairperson join their duties, whichever is earlier. The Licensee shall ensure that the working of Forum is not disrupted on account of non-filling up of the posts and the new Forum is made functional within the extended period in any case."

7. *Amendment of sub-regulation 3(7)*.— In sub-regulation 3(7) of the Principal Regulation, for the words "for any reason, the licensee shall take action" the words "for reason, other than sub-regulation 3(4), the Commission and the Licensee, as the case may be, shall take action" shall be substituted.

8. *Amendment of sub-regulation 3(9)*.— In sub-regulation 3(9) of the Principal Regulation, for the words "service of the Members" the words "service of the Members including Chairperson nominated by the Commission" shall be substituted.

9. *Amendment of Regulation 5*.— In Regulation 5 of the Principal Regulation, for the words "as defined in Regulation 2(1)(f)" the words "except under sections 126, 135 to 139, 143, 152 and 161 of the Act." shall be substituted.

10. *Amendment of sub-regulation 8(3)*.— In sub-regulation 8(3) of the Principal Regulation for the words "within 10 days" the words "within 5 working days" shall be substituted.

11. *Amendment of sub-regulation 8(7)*.— In sub-regulation 8(7) of the Principal Regulation, for the words "complaint within a maximum period of **60 days**" the words "complaint normally within a period of **45 days** and a maximum period of **60 days**" shall be substituted.

12. *Amendment of sub-regulation 9(3)*.— In sub-regulation 9(3) of the Principal Regulation, for the words "if it is specified" the words "if it is satisfied" shall be substituted.

13. *Amendment of sub-regulation 17(3)* .— In sub-regulation 17(3) clause (e) of the Principal Regulation, for the words “The person filing” the word “Unless the person filing” shall be substituted.

14. *Amendment of Regulation 18*.— In Regulation 18 clause (a) of the Principal Regulation, for the word “malifide” the word “malafide” shall be substituted.

15. *Substitution of new sub-regulation 22(5)* .— For sub-regulation 22(5) of the Principal Regulation, the following sub-regulation shall be substituted, namely :-

“22 (5) The distribution licensee and the consumer shall within one month from the date of receipt of the award intimate the compliance to the Electricity Ombudsman.”

16. *Insertion of new sub-regulation 22(6)*.— After sub-regulation 22(5) of the Principal Regulation, the following sub-regulation shall be inserted, namely :-

“22(6) (a) In case, a Distribution Licensee fails to comply with the orders of the Forum or, of the Electricity Ombudsman, as the case may be, within 30 days of the order or within such time as may be granted, the Electricity Ombudsman may within thirty days of the date of the application of the consumer and, after giving opportunity to the Distribution Licensee,—

(i) issue necessary direction to ensure compliance of the order; or
(ii) refer the matter to the Commission for initiation of proceeding under section 142 of the Act.

(b) On receiving reference from the Electricity Ombudsman, the Commission shall pass appropriate order under section 142 of the Act;

(i) after hearing the parties, and
(ii) if considered necessary, after obtaining report from the Electricity Ombudsman.”

By order of the Commission,
Sd/-Illegible,
Secretary.

**PUBLISHED AND PRINTED BY THE SUPERINTENDENT,
BIHAR SECRETARIAT PRESS, PATNA.
Bihar Gazette (Extra) 567—571+400—D.T.P.
Website: <http://egazette.bih.nic.in>**